

APR 21 2003

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

RIGOBERTO MENDOZA-CERVANTES;
RIGOBERTO MENDOZA-ALVARADO,
JR.; JORGE ARMANDO
MONDOZA-ALVARADO; JOSE DE JESUS
MENDOZA-ALVARADO; LETICIA
ALVARADO DE MENDOZA,

Petitioners,

v.

IMMIGRATION AND NATURALIZATION
SERVICE,

Respondent.

No. 00-70344

INS Nos. A73-423-361
A73-423-357
A73-423-358
A73-423-359
A72-423-360

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 7, 2003**
Pasadena, California

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2)(B) & (C).

Before: PREGERSON, TASHIMA, and CLIFTON, Circuit Judges.

Rigoberto Mendoza-Cervantes and his family (“Petitioners”) petition for review of a final order of the Board of Immigration Appeals denying their applications for suspension of deportation.¹

Petitioners claim that the application of the Illegal Immigration Reform and Immigrant Responsibility Act (“IRRIRA”) § 309(c)(5) stop-time provision to their case violated their due process rights. In light of this Court’s decision in Ram v. INS, 243 F.3d 510 (9th Cir. 2001), their argument must fail. In Ram, 243 F.3d at 517, this Court held that the application of the stop-time provision to cases that were pending at the time of IRRIRA’s enactment “does not offend due process.”

Petitioners also claim that that the Nicaraguan Adjustment and Central American Relief Act of 1997 (“NACARA”) violates the equal protection clause of the constitution because it exempts citizens of certain countries from the application of IIRIRA’s stop-time provision. Once again, their argument is foreclosed by Ram, 243 F.3d at 517, which held that NACARA does not violate the equal protection clause.

The petition for review is **DENIED**.

¹ Because the parties are familiar with the factual and procedural history of this case, we will not recount it here.